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Document Description: Request for Recalculation In view of Wyeth

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MAR 03 2010

## REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH\*

Attorney Docket  
Number: 1064

Application  
Number: 10/500,802

Filing Date  
(or 371(b) or (f) Date): 7/15/2005

Patent Number:  
7,628,308

Issue Date:  
12/8/2009

First Named  
Inventor: Masayuki OJIMA

Title: Method of Replenishing an Oxidation Suppressing Element in a Solder Bath

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature *Michael Tobias*

Date March 3, 2010

Name  
(Print/Typed) Michael Tobias

Registration Number 32948

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## Patent Term Adjustment Calculation Sheet

## In re patent of:

Masayuki OJIMA et al

Patent No.: 7,628,308

Issue date: December 8, 2009

Application No: 10/500,802

Filing date: July 15, 2005

For: METHOD OF REPLENISHING AN OXIDATION SUPPRESSING ELEMENT IN A SOLDER BATH

## Events Determining Adjustment Period

Event	Date
Filing date	7/15/2005
14 months from filing date	9/15/2006
First official action mailed	6/9/2008
Three years from filing date	7/15/2008
Filing of RCE	6/20/2009
Issue date	12/8/2009

## (1) A delays:

Period from 14 months after filing date until first official action

= 9/15/2006 until 6/9/2008

= 633 days

## (2) B delays

Period from 3 years after filing date until issue date

= 7/15/2008 until 12/8/2009

= 511 days

## (3) Overlap between A delays and B delays:

No overlap

= 0 days

## (4) Reduction of patent term adjustment due to applicant

(4.1) Delays for extensions of time = 79 days

(4.2) Time consumed by continued examination requested by applicant

Period from 6/20/2009 to 12/8/2009

= 171 days

(4.3) Net reduction = (4.1) + (4.2)

= 250 days

(5) Net adjustment period

= A delays + B delays - (overlap between A delays and B delays) - reduction due  
to applicant

= (1) + (2) - (3) - (4.3)

= 633 days + 511 days - 0 days - 250 days

= 894 days